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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/554,238	Antje Breitenstein	PUG201

Horst M. Kasper  
 13 Forest Drive  
 Warren, NJ 07059



INTERNATIONAL APPLICATION NO.

PCT/DE04/01821

I.A. FILING DATE

08/13/2004

PRIORITY DATE

08/15/2003

CONFIRMATION NO. 7952

371 FORMALITIES LETTER



\*OC000000020846317\*

Date Mailed: 10/16/2006

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 10/20/2005
- English Translation of the IA filed on 10/20/2005
- Copy of the International Search Report filed on 10/20/2005
- Information Disclosure Statements filed on 10/20/2005
- Oath or Declaration filed on 10/20/2005
- U.S. Basic National Fees filed on 10/20/2005
- Assignment filed on 10/20/2005
- Priority Documents filed on 10/20/2005
- Specification filed on 10/20/2005
- Claims filed on 10/20/2005
- Abstracts filed on 10/20/2005
- Drawings filed on 10/20/2005
- Paper nucleotide sequence listings filed on 10/20/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
  - does not identify the citizenship of each inventor.

- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is **\$130** for a Large Entity:

- **\$130 Surcharge.**
- This application clearly fails to comply with the requirements of 37 CFR 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application.** Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

**For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:**

- **For Rules Interpretation, call (571) 272-0951**
- **For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.**
- **Send e-mail correspondence for Patentin Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)**

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

WINSTON M ALVARADO

Telephone: (703) 308-9140 EXT 206

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/554,238	PCT/DE04/01821	PUG201

FORM PCT/DO/EO/905 (371 Formalities Notice)



IAP13 Rec'd PCT/PTO 11 DEC 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Antje Breitenstein et al.  
Serial No: 10/554,238  
Filing Date: October 20, 2005  
Title: METHOD FOR THE DETECTION OF LEGIONELLA-TYPE  
BACTERIA

December 6, 2006

Attorney's Docket No.: PUG201T5

**TRANSMITTAL LETTER**

U. S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313

SIR:

Transmitted herewith for filing is:

<X> RESPONSE TO THE NOTIFICATION OF MISSING REQUIREMENTS  
UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE  
<X> DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION  
<X> PTO FORM 2038  
<X> Notification of Missing Requirements under 35 U.S.C. 371

(X) The applicant hereby petitions the Commissioner of Patents and Trademarks to extend the time for response to any Office Action outstanding in the above captioned matter as necessary to avoid abandonment of the application. Please charge my deposit account No.11-0224 in the amount required to cover the cost of the extension. Any deficiency or overpayment should be charged or credited to the above account.

(X) The Commissioner is hereby authorized to charge any fees under 37 CFR 1.16, and 1.17, after a mailing of a Notice of Allowance under 37 CFR 18 or any additional fees which may be required during the entire pendency of the application, or credit any overpayment, to Acct. No.11-0224. A duplicate copy of this sheet is enclosed. If and only if account funds should be insufficient, immediately contact our associate, Lisa Zumwalt, at (703)415-0579, who will pay immediately to avoid deprivation of rights.

( ) Please charge my Deposit Account No.11-0224 in the amount of \$\_\_\_\_\_. A duplicate copy of this sheet is enclosed. A signature or signatures required for the above recited document(s) is (are) provided herebelow. Such signature(s) also provide(s) ratification for any required signature appearing to be defective in the above recited document(s).

12/14/2006 GFREY1 00000125 10554238

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Horst M. Kasper, 13 Forest Drive, Warren, N.J.07059

65.00 OP

Reg. No. 28,559 Tel.(908)526-1717

**CERTIFICATE OF MAILING under 37 CFR 1.8:**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Trademarks, P.O. box 1450, Alexandria, VA 22313

, on DEC 06 2006

Signature: Horst M. Kasper

Date:

DEC 06 2006

%PUG201(December 6, 2006)am/ac

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Antje Breitenstein et al.  
Serial No: 10/554238  
Filing Date: October 20, 2005  
Title: METHOD FOR THE DETECTION OF LEGIONELLA-TYPE  
BACTERIA



December 6, 2006

PUG201R2

RESPONSE TO THE NOTIFICATION OF MISSING REQUIREMENTS  
UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE

U. S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313

SIR:

This is in response to the Notification of Missing Requirements under 35 U.S.C. 371, mailed on October 16, and setting a statutory period for response of two months, said period expiring on December 16, 2006.

The Notification states that the following items must be furnished in order to complete the requirements for acceptance under 35 U.S.C. 371:

- *Oath or declaration of the inventors*
- *\$130.00 surcharge for late submission of the Inventor's Declaration*

Applicant respectfully submits that the Inventor Declaration, duly signed by the inventor, was filed with the Office on November 11, 2006. A copy of the Inventor Declaration, as well as a copy of the Notification of October 16, 2006, are enclosed. Since the applicant is classified as small entity, applicant encloses a surcharge in the amount of \$65.00.

Respectfully submitted,  
Antje Breitenstein et al.

By *Horst M. Kasper*  
Horst M. Kasper, their attorney  
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Attorney's Docket No.: PUG201